

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

34
12/27/01
m

BRETT T. CULVER,

Plaintiff

ORIGINAL

PETITION

v.

CIVIL NO. 1:01-cv-00904

(Judge Kane)

COMMONWEALTH OF PENNSYLVANIA,
et al.,

Defendants

FILED
HARRISBURG

DEC 21 2001

PLAINTIFF'S RESPONSE TO COURT ORDERS 11-15-01

MARY E. D'ANDREA, CL
Per [Signature]
DEPUTY CLERK

On this date of 11-29-01 the plaintiff Brett T. Culver responds to the Court Orders dated 11-15-01 (Denial of T.R.O.'s and Motion for Appointment of Counsel)

This plaintiff appeals the Court Orders ("Denial") for appointment of counsel, and ("Denial") of the Temporary Restraining Orders to be served upon the defendants in this case. This plaintiff must reiterate to the Court that he has no knowledge of law, its practices, application, or procedures. Plaintiff is also presently incompetent to preform the tasks demanded and required to present or litigate the issues of suffered violations of this complaint to the Court. Plaintiff is incompetent because of psychological conditions and medication complications which are presently resulting and affecting this plaintiff's abilities.

As further reasons for appeal of the Court denial of Temporary Restraining Orders, plaintiff has on numerous occasions notified this Court that this plaintiff dose not have sufficient knowledge of how to proceed in these matters of law, or what requirements of procedure are. In direct relation to the Temporary Restraining Orders, this plaintiff filed the form to the best of his ability and knowledge. The T.R.O. motions included the incidents and reasons for the Court to acknowledge the abuses documented, and to take protective action in behalf of this victim who is the plaintiff in this case. Plaintiff has also submitted numerous AFFIDAVIT's to the Court in verification/testimony/documentation of continued (ongoing) abuses being committed by the defendant's against this plaintiff. None of the instructions received by this plaintiff (on filing forms or procedures) stipulated that a Brief needed to be submitted on the T.R.O.'s.

This plaintiff also inquired of the Court on 5-29-01, 6-8-01, and 7-21-01, directly asking if anything else was needed or required in the filing of the forms submitted (See EXHIBITS #1, #2, #3). No response or notification was returned by the Court authority.

I continue to appeal for this Court to provide/establish protection and safety to this plaintiff who is the victim in this complaint, the one suffering the abuses by the named defendants.

Plaintiff asks this Court to reconsider the issues and situations that continue to hinder this plaintiff's ability to competently handle the tasks demanded upon him to present and litigate this case to the Court, and provide him assistance of counsel. Also, to allow this plaintiff to re-submit the T.R.O. motions, or for the Court to act upon the complaint, testimonies, Affidavits, and evidences of record and take appropriate action to provide relief and protection to this plaintiff by enforcing the T.R.O.'s upon the defendants.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 29 day of November, 2001

Signature, Brett T. Culver

UNSWORN DECLARATION AFFIDAVIT

I Brett T. Culver do hereby verify that the facts set forth in the foregoing PETITION to the Court dated 11-29-01 are true and correct to the best of my personal knowledge, or information and belief, and that any false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.

Truthfully Submitted,

Brett T. Culver

Brett T. Culver,

Plaintiff

Verified this 3 day of December, 2001

PROOF OF SERVICE

I, the undersigned, hereby aver that I have served the foregoing PETITION dated 11-29-01 upon the U.S. District Court in the manner indicated:

SERVED BY U.S. MAIL ADDRESSED AS FOLLOWS:

U.S. DISTRICT COURT
CLERK OF COURTS
228 WALNUT STREET
P.O. BOX 983
HARRISBURG, PA. 17108

Served this 3 day of December 2001

Signature, Brett T. Culver

EXHIBIT

1

May 29, 2001

Dear Clerk of Courts:

I'm not sure if I understand the letter sent with information on filing the 283 MARSHAL form. *(Dated May 25, 2001)*

Therefore I am including some extra COMPLAINT FORMS in case they are needed (all I have is extra copies on scrap paper).

If something else is needed, please inform me. I have no means of knowing how to proceed in these matters.

Sincerely,

Butt

EXHIBIT

2

BRETT CULVER DD-3483
301 MOREA ROAD
FRACKVILLE, PA.17932

June 8, 2001

Dear Clerk of Courts.

Please submit this Affidavit to the record for Case No. 1:01-cv-00904.

Also, I would like to know when the defendants were served with the complaint, and what the time limitations are for the defendants to respond. To my knowledge, I think I'm suppose to submit a BRIEF with case law citation and argument once the defendants submit their response to the Complaint. "Is that correct?"

*Affidavit:
SCI Mahanoy Retaliation
incident 6-4-01, filed
on or executed 6-7-01.*

Sincerely,

Brett Culver

EXHIBIT
3

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

July 21, 2001

TO: U.S. DISTRICT COURT
CLERK OF COURTS
228 WALNUT STREET
P.O. BOX 983
HARRISBURG, PA. 17108

FROM: BRETT T. CULVER DD-3483
301 MOREA ROAD
FRACKVILLE, PA. 17932

Dear Clerk of Courts.

I submitted the Complaint for a Civil Action 42 U.S.C. sec. 1983 (Case No. 1:01-cv-00904) on May 15, 2001, with a Amended Complaint dated the 28 of June, but have not received any response from the Court, nor have the defendants' of that Action been served. I filed for Preliminary protection/relief from the defendants' in the Case Action because of the continuous ongoing retaliatory abuses I suffer while subjugated to the treatment of the offending defendants'.

Could you please inform me as to why the Court has not taken any action or why the defendants' have not been served?

Temporary Restraining Orders were filed against four of the defendants (T.E. Mikulich, Robert D. Shannon, Kevin Kane, Vincent Mooney), which also have not been served.

I followed the filing directions that were given. Is there any problems with the filing procedures that I should be informed of? Please inform me as to the delay in these matters, for I'm presently suffering retaliatory abuses from the defendants' in this Action.

Please also find included AFFIDAVIT on latest retaliatory incident of report by defendants' dated 7-20-01, and include to the record in Case No. 1:01-cv-00904.

Sincerely,

Brett Culver